

U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

FILE: [REDACTED] (LIN 02 149 52027) Office: Nebraska Service Center

Date: MAR 24 2003

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Reentry Permit Pursuant to Section 223 of the Immigration and Nationality Act, 8 U.S.C. § 1203

ON BEHALF OF PETITIONER: SELF-REPRESENTED

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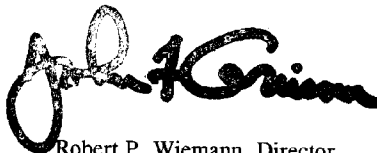
INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.



Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a citizen of Russia who resides in the United States in Brooklyn, New York. The applicant is seeking to obtain a reentry permit pursuant to section 223.

The director determined that the record fails to establish that the applicant is a lawful permanent resident or conditional permanent resident of the United States and, therefore, does not qualify for the issuance of a reentry permit.

On appeal, in a letter dated October 1, 2002, the applicant states in pertinent part, that:

I became a lawful permanent resident of the USA on August 29, 2000. I was notified about receiving status parole by Washington processing center (Case # WP-218720) a year before that, received a parole document package from USA Embassy in Moscow [sic].

The applicant provided a letter, dated January 7, 2002, from the Immigration and Naturalization Service, now the Bureau, indicating that its records reflect that the applicant was paroled into the United States on August 20, 2000, at the port of New York, New York.

Regulations at 8 C.F.R. § 223.2(b)(1) allow for the approval of an application for a reentry permit if the application (Form I-131) is filed by a lawful permanent resident or conditional permanent resident who is in the United States at the time of application.

The record contains no evidence to demonstrate that the applicant in this matter is a lawful permanent resident or conditional permanent resident of the United States. Consequently, this application may not be approved.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not met that burden.

ORDER: The appeal is dismissed.

2002-10-29